

# PATENT COOPERATION TREATY

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(code 09.08.05)

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/B2004/003264 ✓

International filing date (day/month/year)  
06.10.2004 ✓

Priority date (day/month/year)  
09.10.2003 ✓

International Patent Classification (IPC) or both national classification and IPC  
G11B23/03, G11B23/00, G11B33/12, G11B33/04

Applicant  
SOREMARTEC S.A. ✓

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2004/003264

**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/B2004/003264

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

|                               |             |           |
|-------------------------------|-------------|-----------|
| Novelty (N)                   | Yes: Claims | 2,3,5-9   |
|                               | No: Claims  | 1,4,10,11 |
| Inventive step (IS)           | Yes: Claims |           |
|                               | No: Claims  | 2,3,5-9   |
| Industrial applicability (IA) | Yes: Claims | 1-11      |
|                               | No: Claims  |           |

**2. Citations and explanations**

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

- 3.3 The skilled person is aware of different external forms of adapters which reduce the weight and material as for example described by D3 (cf. the adapter 5 in Figures 1 and 4). Thus, in view of the reducing weight and manufacturing cost it appears to be obvious to apply the external dimensions of the adapter device of D3 to the adapter of D1 thus arriving at the subject-matter of claims 3, 5 and 6. Similar arguments apply mutatis mutandis to a combination of D2 with D3.
- 3.4 Applying a self-sticking reinforcing adhesive means as claimed in claim 7-9 appear not to contribute to inventive step, since it appears to be an obvious measure for avoiding the resilient return tendency of the material.

**Re Item VII**

**Certain defects in the international application**

The independent claims are not in the two-part form as required by Rule 6.3(b) PCT, whereby those features which in combination are part of the prior art (see D1 or D2) are placed in the preamble. | JHR

The documents D1-D3 have not been identified in the description nor has the relevant background art disclosed therein been discussed. The requirements of Rule 5.1(a)(ii) PCT are, thus, not fulfilled. | om

**Re Item VIII**

**Certain observations on the international application**

Claims 1, 10 and 11 do not meet the requirements of Article 6 PCT (clarity) for the following reasons:

The term "card" (cf. claim 1, l. 5) is vague and unclear. Presumably "cardboard material" was meant. | JHR

The term "promotional article" used in claims 10 and 11 is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT.

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following documents:  
D1 : EP -A- 0 883 126  
D2 : US -A- 2001036148  
D3 : JP -A- 10125026 & corresponding abstract.
2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 4, 10 and 11 is not new in the sense of Article 33(2) PCT.
  - 2.1 D1 (cf. in particular Figure 3) discloses an adapter device comprising an adapter ring (10) having an outer perimeter and an inner perimeter as claimed in claim 1. The adapter ring is of flexible material and being folded (cf. fold line 16) as claimed in claim 1. Therefore, the subject-matter of claim 1 is known from D1.
  - 2.2 Moreover, it is apparent that the continuous perimeter of the adapter ring of D1 can be regarded as composed of arbitrarily selected arcs as claimed in claim 4.
  - 2.3 D1 (cf. column 3, l. 52 to column 4, l. 6) discloses an promotional article for distribution ("shipping") with a commercial product ("booklet") comprising an optical memory disk ("CD 18") and an associated adapter device (10) as claimed in claims 10. These article is arranged as claimed in claim 11.
  - 2.4 It is apparent that also D2 (cf. the whole document) deprives claims 1, 4, 10 and 11 from novelty.
3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 2-9 does not involve an inventive step in the sense of Article 33(3) PCT.
  - 3.1 The additional features of claim 2 add only the feature of folding along another line at substantially right angle. This appears to be an obvious measure to further reduce the external dimensions of the adapter device.